(16)

HIGH COURT OF CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Civil Revision No. 126 of 2007

Applicant Claimant : Prahalaji Sahu,
Aged about 32 years,
S/o Late Harakh Ram Sahu,
R/o Village Chiwari,
P.O. Sirri, District Dhamtari, (CG)

Versus

Non-applicants :
1. Jawahar Lal Sahu,
S/o Dhanau Ram Sahu,
R/o Near M.M.I., Lalpur, Raipur, CG.
(Driver of Indica Car bearing Regd.No.CG.04-B. 5108)

2. Anil Kumar Singh,
S/o Raman Singh,
R/o Village Dumar Tarai
P.O. Devpuri, Tehsil & District Raipur (CG)
(Owner of Indica Car bearing Regd.No.-CG.04-B.5108)

3. The New India Insurance Company Ltd. Through Divisional Manager
Kutchery Chowk, Raipur,
District Raipur CG.
(Insurer of Indica Car bearing Regd. No.-CG.04-B.5108)

Civil revision under Section 115 of Civil Procedure Code

Present: Shri Satyendra Sahu, counsel for the applicant.

ORAL ORDER
(Passed on 05.11.2007)

This civil revision is being disposed of finally at the stage of admission.

(2) The applicant is aggrieved by an order dated 29/08/2007 passed by the Principal Motor Accident Claim Tribunal, Raipur

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whereby the prayer for withdrawal of ~~matured~~ the amount of fixed deposit for the construction of his house was turned down.

(3) An amount of Rs.1,67,428/- was deposited with the Oriental Bank of Commerce vide T.D.R/S.S.P.078698 on 26.4.2006. The maturity was on 26.4.2011. The claimant moved an application before the M.A.C.T. for withdrawal on the ground that he required the amount for construction of house. In support of the application, an affidavit was filed by the applicants. The applicant was examined on oath by the learned M.A.C.T. Taking a hyper technical view, the M.A.C.T. turned down the prayer by the impugned order.

(4) In a similar case, *Nishar Ahmed Vs. Shatrughan Yadav & Others* **2005 (1) C.G.L.J., 388,** the claimant/applicant was permitted to withdraw a sum of Rs.75,000/- from the fixed deposit.

(5) Learned counsel for the applicant submitted that the applicant may be permitted to withdraw a sum of Rs.75,000/- of the fixed deposit, which would suffice for the purpose for which the prayer was made before the M.A.C.T.

(6) The prayer is justified. It is ordered that the applicant/claimant shall be permitted to withdraw a sum of Rs.75,000/- from the fixed deposit mentioned above.

(7) With the above direction, this civil revision No.126/2007 stands disposed of.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya